

**MTSA Regulations found at 33 CFR Subchapter H**  
**Part 105—Facilities.**

**#13-04 Ch-1 May 13, 2004---POLICY ADVISORY COUNCIL FAQ**

**Q.** How will 33 CFR Part 105 be implemented at small facilities that are regulated by 33 CFR Part 154 but not otherwise regulated?

**Ans.** Facilities inspected under 33 CFR Part 154 may request to be waived from the requirements of MTSA. When the cognizant COTP determines that a facility meets the criteria listed below, the COTP can recommend to the District Commander, and the District Commander can approve the request:

1. The facility stores less than 42,000 aggregate gallons of cargo regulated by 33 CFR Part 154,
2. The facility receives no vessels subject to SOLAS, and
3. The facility receives no foreign flagged vessels.
4. The facility is not regulated under another applicability factor.

Facilities that meet some, but not all, of the criteria may forward a request for a waiver under 33 CFR 105.130 to Commandant (G-MP) asking for permission to waive the requirements of 33 CFR Part 105.

Facility Examples: A facility that receives a self-propelled vessel that is greater than 100 gross register tons and inspected pursuant to 46 CFR Subchapter I must comply with 33 CFR Part 105. A facility that receives an unregulated vessel (fishing vessel or recreational vessel for example) that does not engage in international voyages is not required to comply with 33 CFR Part 105, unless other applicability factors exist or one of the four above criteria apply.

NOTE For further guidance, a facility owner/operator should contact their local Captain of the Port (COTP/FMSC).